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International Court of Justice

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CRIMES AGAINST PEACE

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Deputy USSR Chief of Counsel

Colonel Y. V. POKROVSKY.

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H5148 – 0002

H5148 - 0003

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CRIMES AGAINST PEACE

Deputy USSR Chief of Counsel

Colonel Y. V. POKROVSKY

ERRATA

Page 10. Line 3 - Delete "As far as I can judge."

Page 20. Line 3 - Delete "paragraph 17 of Document", and insert "the annotations to plan 'Gruen'"

Page 20. Line 4 - Delete "is" and insert "are" in two places.

Page 23. Line 10 - Delete "1943" and insert "1934".

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H5148 - 0004

Presentation of the Case
by the
Deputy USSR Chief of Counsel

Colonel Y.V. POKROVSKY

CRIMES AGAINST PEACE.

General Aggression.

May it please Your Honours,

The opening statements of the Chief Prosecutors have enlightened us as to how fascist Germany pursued the ideological preparation of aggressive war.

The connection between Hitlerite propaganda and acts of aggression against peace was revealed in the statement of the USSR Chief of Counsel also. Therefore may I be allowed to quote just one short extract from Horst von METSCH's book entitled: "Krieg als Saat" ("War as seed"), which was published in Breslau 1934:

"It is impossible to conceive national-socialism without war.

"German martial glory is its father; army's finest musketeer is

"its leader, and war's hardy spirit is its soul."

This is not just a phrase dropped by a garrulous fascist penman; this is a program which is blurted out.

War and only war was considered by the Hitlerite conspirators as the most effective means of attaining the objectives of their foreign policy.

It is therefore only natural that Germany was turned into an armed camp and became a constant threat to her neighbours after the fascists had seized power in the country.

.....

H5148 - 0005

The East was the first objective of the fascist conspirators.

In his book "Mein Kampf" (which is already at the disposal of the Tribunal) Hitler wrote as early as 1930:

> "The movement eastwards is continuing, notwithstanding everything. Russia must be erased from the list of European powers" (page 732, 1930 edition).

By hypocritically proclaiming her love of peace, by giving her neighbours assurances of her intention to live with them in peace, Hitlerite Germany only strove to conceal her real and always aggressive intentions.

The conspirators willingly concluded any agreement, on arbitration, on non-aggression etc.. They did it, not because they were really striving for peace, but with the sole intention of waiting for a suitable moment to strike the next treacherous blow and of lulling the nations of the world into a sense of false security.

Having committed one of their scheduled aggressive acts, they strove, with still greater energy, to convince everybody that from now on they had no longer any aggressive plans.

A combination of hypocrisy and fraud, of treason and aggression, ruled the entire system of German foreign policy.

With incredible insolence, the fascist conspirators violated any of their international obligations, or international agreements, including those which directly prohibited/the application of war as a solution of international disputes.

None of the wars provoked by the Hitlerites can be classified under the conception of "defensive wars". In every case .....

H5148 - 0006

the German fascists acted as aggressors. They admitted, themselves, that they did not hesitate to resort to provocation, in order to have an excuse for attacking their next victim, at the most propitious moment.

Count II of the Indictment, contains a complete list of the wars which were provoked, prepared, initiated and waged by the fascist conspirators.

The insane imagination of the Hitlerites visualized the East as a paradise for the fascist aggressors; a paradise built on the bones and blood of the millions of people who inhabited these lands.

Sir David Maxwell Fyfe told the Tribunal that the Soviet delegation would submit some new evidence regarding the criminal conspiracy against peace, and also suggested that certain repetitions could not be avoided.

Whilst striving to reduce these repetitions to a minimum, I wish to draw the attention of the Tribunal to some of the documents relating to the criminal aggression of the fascist conspirators.

As documentary evidence I submit to the Tribunal USSR exhibit No. 60, an official Czechoslovak report. It begins with the following significant phrase: "Czechoslovakia was an obstacle to the German "Drang nach Osten" (Drive to the East) and to their domination of Europe."

Tab. 8

This is followed by an analysis of the strategic and political aspects of the aggression against Czechoslovakia. I quote, beginning with the second sentence of sub-paragraph "a". For the sake of convenience, this part is marked on your copy in red pencil.

I quote: "Czechoslovakia was indeed of the greatest strategic importance, as a natural obstacle and a fortified barrier against a military drive towards the Danube basin, and from there Eastwards, across the Eastern Carpathians, and along the valley of the Danube, towards the Balkans..."

H5148 - 0007

The gist of sub-paragraph "b" is that Czechoslovakia was a democratic country and finally, sub-paragraph "c" gives an analysis of Czechoslovakia from the national point of view. I shall quote this sub-paragraph as it is formulated in the report:

"c. From the national point of view Czechoslovakia, as far as the vast majority of its population is concerned, was a Slav country, intensely conscious of the unity of all Slavs."

The Tribunal might have noticed, that the methods of execution of aggression by the Hitlerite conspirators nearly always followed the same pattern. In all cases lightning speed and suddenness of military attack were considered indispensable. They endeavored to attain the element of surprise by giving the prospective enemy, treacherous and hypocritical assurances of their peaceful intentions.

Simultaneously wide use was made of the foul system of bribery, blackmail, provocation, financing of various kinds of pro-fascist organizations, and using as paid agents unprincipled politicians and downright traitors to their respective countries.

Mr. Oldermann began his presentation of documents by giving several examples of this kind. He told the Tribunal in detail and proved by documentary evidence, that in the person of Hans Karmazin, the so-called representatives of the Slovak autonomous movement were bought with German money. The same also applies to the Deputy Prime Minister Dukanski, the notorious Tuka, and many other leaders of the Hlinka Party.

It was reported to you that at the beginning of March 1939, e.g. immediately prior to the day planned for the final entry of fascists into Czechoslovakia, the activity of "the fifth column" reached its climax.

I believe I should present to the Tribunal certain facts about the Hitlerite organizations, established for the purpose of subversive activity, and also about the part played by SS-man Lorenz in the action against Czechoslovakia.

Himmler, holding several offices, combined in one person the position of the Reichsleiter of the security units of the SS and Reichs Commissar for consolidation of Germanism (Reichskommissar fuer die Festigung des deutschen Volkstums). As such, he was charged with the leadership of all State and Party organs within Germany, which in turn controlled the German settlements, the work amongst the German fascist minorities in other countries and re-immigration of Germans into Germany.

In this field his executive apparatus was the so called "Volksdeutsche Mittelstelle".

The leader of this organization and therefore the actual deputy of Himmler, in this special sphere, was Obergruppenfuehrer SS Lorenz, who will be discussed later.

There was another criminal organization I have in mind, the "Foreign Organization of the N.S.D.A.P. (Auslandsorganisation der N.S.D.A.P.) abbreviated AO.- It played an important part in creating the Fifth Column in countries, which were eventually subjected to Hitlerite aggression.

H5148 -0008

H5148 – 0009

1)The Sudeten Germans must understand that a nation of 75,000,000 stands ready to backthem up and will not tolerate any further oppression of the Sudeten Germans by the Czechoslovakian Government.

2) It is the Sudeten German Party's responsibility to formulate certain demands on the Czechoslovakian Government the fulfillment of which it considers indispensable for the attainment of the desired liberties...

The final aim of the forthcoming negotiations between the Sudeten German Party and the Czechoslovakian Government is to avoid entering the government by widening the scope of their demands and by formulating them with ever increasing procision. In the course of negotiations it must be pointed out very clearly that the sole partner in these negotiations with the Czechoslovakian Government is the Sudeten-German Party, and not the Reich Government...

For purposes of further collaboration Conrad Henlein was advised to maintain the closest contact with the Reich Minister, and with the leader of the "Volksdeutsche Mittelstelle", as well as with the German Ambassador in Prague who was representing the Reichsminister there.

The task of the German Ambassador in Prague was to uphold the Sudeten German Party's demands in an unofficial manner and mainly in private discussions with the Czechoslovakian statesmen, by referring to them as reasonable, but without exerting any direct influence on the scope of the party's demands.

Finally the question of the advisability of the Sudeten German Party's collaboration with other national minorities in Czechoslovakia, especially the Slovaks, was discussed. The Reichsminister decided that the Party should be given a free hand to contact other National groups with activities of a similar type which might be considered to be of use.

Berlin, 29 March 1938.

H5148 - 0010

AO united the Germans who were members of the fascist party living outside Germany. Apart from the wide propaganda of fascism, AO was engaged in political and other kinds of espionage. Germans, living outside Germany received material help through AO and maintained connections with various pro-German and espionage groups of the country in which they lived.

The branches of the Hiterlite party abroad were under the guidance of German diplomatic missions. For this purpose the leader of AO, Gauleiter Ernst Wilhelm Boole, was installed in the Ministry of Foreign Affairs with the rank of a State Secretary.

There are several appendices to the Official Czechoslovak Report. One of them is registered under No. 3061-PS. It represents excerpts from the testimony of Karl Herman Frank, former Deputy of the Reich Protector. I submit this document to the Tribunal and, without reading it in its entirety I wish to refer briefly the contents of those parts of the document which refer to the question concerning the Fifth column.

At the interrogation on the 9 October 1945 (this is the 2nd page of the Russian text No. 3061-PS) Frank declared that in his opinion the Henlein Party received money from Germany from 1936 onwards. In 1938 funds were coming in from the so-called "Volksdeutsche Mittelstelle" in Berlin, through the German Ambassador in Prague. Frank confirmed that together with Henlein he several times visited the German Ambassador in Prague who handed him and Henlein money for the Party. Frank admits that the acceptance of this money was incompatable with his duty as a Czechoslovak citizen. Frank admitted further, that he

H5148 - 0011

visited the German Embassy in Prague many times alone, informed the German Ambassador of the inner political situation of Czechoslovakia and considering the character of the information communicated, committed high treason.

Frank testifies:

"All negotiations in the summer of 1938 between Henlein and myself on the one hand and the Reich authorities in particular Adolph Hitler, Hess and Ribbentrop on the other hand, were conducted for the purpose of providing the Reich authorities with information on the development of the political situation in Czechoslovakia. These discussions took place on the initiative of the Reich authorities".

I have cited this excerpt from page 4 of the Russian translation of Document 3061-PS.

Frank stated that he was aware of "the treason committed by the Party and its entire leadership corps, by receiving money from abroad for putting into effect measures inimical to the State". This excerpt is on page 5 of the Russian translation of Document 3061-PS .

In Bohemia and Moravia there was a so-called "Frei Korps Henlein" (Henlein's Free Corps).

During the interrogation on the 15th August 1945 Frank testified that Henlein and his staff had their headquarters in Tandorf Castle near Reuch. Henlein himself was the head of the Staff of the Corps, which bore the name "Frei-Korps der Fuehrers". According to Frank the Free-Corps was established by Hitler's order. Part of the Corps which was in the territory of the German Reich was equipped with small-arms in small quantities, as stated by Frank. According to him, the Free-Corps consisted of about 15,000 people, chiefly Sudeten Germans. This information we find on page 2 of the Russian translation of Document No. 3061-PS.

H5148 - 0012

Amongst the trophies of our heroic Red Army there are the archives of the German Ministry of Foreign Affairs.

The Soviet Delegation has now in its possession some new documents. It would be advisable. it seems to me, to introduce here some of the material obtained in this manner in order to complement the information previously submitted to the Court.

They are of particular interest, if one recalls that the intention to protect the interests of the fascist minorities was one of the favorite pretexts for aggression used by the fascist conspirators.

I will read an excerpt from the top-secret record of the conference which took place at 1200 noon 29 March 1938 in Berlin in the Ministry of Foreign Affairs on the question of Sudeten Germans:

(Document No. USSR-271).

Feb. 8
2788-PS
WSH 95

"The conference was attended by gentlemen enumerated in the attached list:

In his opening address the Reichsminister emphasized the importance of keeping this conference strictly secret and then, referring to the Fuehrer's instructions which the latter had given yesterday to Konrad Henlein personally, atated that primarily there were two questions of importance for the political guidance of the Sudeten-German party:

H5148 - 0013

List of those present at the conference on the 29.III.1938 at 12.00 noon:

Reichsminister von Ribbentrop, State Secretary Ivon Mackensen; Ministerialdirektor Weizsaecker, Minister Eisenlor,Prague, Minister Schlibe, Legationsrat von Tvardovsky, Legationsrat Altenburg, Legationsrat Kordt. (Ministry of Foreign Affairs);

SS Obergruppenfuehrer Lorenz, Professor Haushofer, (Volksdeutsche Mittelstelle);

Conrad Henlein, Karl Hermann Frank, Dr. Kuenzel, Dr.Kreissl (Sudeten German Party)."

It is not difficult to drow proper conclusion as to the genuine intentions of the fascist conspirators with respect to Czechoslovakia, if we only take into consideration the fact that among those attending the conference were such people as the defendant Ribbentrop , two ministers, two respresentatives of the so-called "Volksdeutsche Mittelstelle", including one Obergruppenfuehrer of the SS, the prospective Reichsecretary of the Czecho-Moravian Protektorat, Karl Hermann Frank, and the leader of the so-called Sudeten German Party- Conrad Henlein, a paid factotum and agent provocateur of Hitler.

German diplomatic missions were directing the activities of the fascist party branches abroad. With this purpose in view the leader of AO Gauleiter, Ernest William Bohle, was made Reichs Secretary in the Ministry for Foreign Affairs.

On June 3,1938 two documents were prepared by Lorenz,a member of the SS and one of the participants of the conference to which I have just called the attention of the Tribunal. I will read both of them. The first one referring to the interview with Ward Price indicates, that Henlein was under direct control of the SS and it was to them that he was responsible for all his activities.

H5148 - 0014

This document also contains the direct threat to resort to a "decisive operation" in order to bring about the solution of the so-called Sudeten-German problem.

I will read this short document under No. USSR-270 in full:

"In connection with the interview with Ward Price which appeared in the foreign press, SS Obergruppenfuehrer Lorenz requested an explanation from Henlein, who made the following statement:

Ward Price was present at the burial of those executed in the town of Eger. He asked Henlein's collaborator Sebekovsky to arrange a meeting with Henlein for him. Henlein know of the circumstances of the interview given by the Fuhrer to Ward Price. He had a talk with Ward Price over a cup of tea. He did not give him a real interview. The conversation about the Sudeten-German and the Czech problems took the form of a talk on appendicitis, Henlein saying that one should not temporize with chronic attacks of appendicitis, but take radical steps and operate.

Later on , when Ward Price published an account of this conversation, Henlein decided to expose him. But at that moment, through the Embassy in Prague, an order came from the Minister of Foreign Affairs that Henlein should settle the matter with Ward Price amicably, as the latter had Hitler's confidence and was not to be insulted by the Sudeten Germans.

When Henlein met Ward Price again, he backed out, putting the blame on the members of the Sudeten German Party. In addition to this, he wrote a letter to Ward Price, thus settling the matter.

Lorenz".

The second document (No. USSR-268) shows that following the orders of the SS and the leaders of the Hitlerite conspiracy, Henlein negotiated with the Czech Government about the settlement of the Sudeten German question with the sole purpose of creating a provocation. These negotiations were closely followed by the leaders of the fascist conspirac who guided Henlein's further steps.

H5148 - 0015

"In a conversation with SS Obergruppenfuehrer Lorenz, Henlein put the following question:

"What if Czechoslovakia, under the presure of foreign countries were to accede suddenly to all my requests, and put forward, as a counter demand, its participation in the government?"

It was quite clear that this question was not acute at this moment and that further lengthy and painful negotiations were inevitable. Yet he asked for instruction concerning his possible line of action regarding this problem in case he were not able to communicate with Germany.

He, himself, suggested the following: If Czechoslovakia accedes to all my requests I will answer "Yes", but will insist upon the change of its foreign policy. This Czechoslovakia will never accept.

Henlein was promised that this question would be elucidated by the Minister of Foreign Affairs, Lorenz."

A very brief excerpt from a top secret and very important State document, dated September 22, 1938, provides a perfectly clear answer to the question as to what was the nature of the so-called Sudeten German Freikorps mentioned already in previous sessions.

I quote the first six lines of the record of a telephone conversation held with Berlin by one of the leaders of the so-called Volksdeutsch at 19 o'clock on the 22 September 1938. (Our document No. USSR 267).

"Mr. Schmidt, from the Volksdeutsch Center, phoned at 1900 as follows:

I/ The Command of the Sudeten-deutsch Freikorps just communicated the following:

1st Lt. Kochling transmitted the following Fuehrer's order: Freikorps has to carry out the occupation of regions cleared by Czecks. The important actions however, may be executed only with the Fuehrer's personal approval."

The rest of this document signed by von Stechoff is of no interest, and I will not read it.

As far as I can judge the minutes of Hitler's reception of the Czech Minister of Foreign Affairs, Chvalkovsky, on 21 January 1939, that is to say shortly before the complete occupation of Czechoslovakia, - are of great interest. Hitler's mendacious and pompous statements as to his respect for the independence of small nations, statements recorded in the document I am about to quote are characteristic of his perfidious tactics. (This document is presented to the Tribunal as USSR exhibit 266).

"Chvalkovsky began by thanking the Fuehrer for having done his country the honour of receiving twice within three months, the Czech Minister of Foreign Affairs. He had come here, to inform the Fuehrer, that although it had cost him great efforts, he had strictly fulfilled the promise he had made to the Fuehrer on the 14th of October...

The Fuehrer thanked Chvalkovsky for the fulfillment of his promises. The foreign policy of a state, he said, is determined by its home policy. It is quite impossible to carry out a foreign policy, of type "A", and at the same time, a home policy of type "B". It could succeed only for a short while. From the very start the development of events in Czechoslovakia was bound to lead to a catastrophe. And this catastrophe had been avoided thanks to Germany.

Had Germany not stuck to National-Socialist principles, - which forbade annexations,- the fate of Czechoslovakia would have followed another course. Whatever, to day, remains of Czechoslovakia, has been saved not by Benesh, but only thanks to National-Socialist principles.

For example, the strength of the Dutch and Danish armies rested not in themselves, but in the fact that the whole world was convinced of the absolute neutrality of these States. When war broke out, it was well known, that the problem of neutrality was one of very great importance to these countries. The case of Belgium was somewhat different,

H5148 - 0016

H5148 - 0017

as that country had had an agreement with the French General Staff." In this particular case, Germany was compelled to forestall possible eventualities. These small countries were defended not by their armies, but by respect to their neutrality. Chavalkovsky backed by Mastny again spoke about the situation in Czechoslovakia, and about the attitude of the majority of the peasants. Before the crisis, he said, the people did not know what they were to expect of Germany. But when they saw that they would not be exterminated, and that Germany wished to lead the Czech people in her wake, they heaved a sigh of relief. World propaganda against which the Fuehrer had been struggling for so many years was now focussed on tiny Czechoslovakia. Chvalkovsky begged the Fuehrer to address, from time to time, a few kind words to the Czech people. That might produce miracles. The Fuehrer did not know the great weight the Czech people attached to his word. If he would only openly declare, that he intended collaborating with the Czech people, - and with the people, not with the Minister of Foreign Affairs, - all foreign propaganda would be utterly defeated. The Fuehrer concluded the conversantion and expressed his belief in a promising future. Hegel".

Now it would be opportune to refer again to a document, which has already been mentioned at this trial. I mean the so-called, "Document for superior officers only" dated 30th of May 1938. It bears the No. OKW 42/3 and 388 PS and has been presented to the Tribunal by my honcurable collegues of the USA Delegation. The Chief Prosecutor of the USSR also referred to this document in his opening statement. Formulating the contents of the fascist conspiracy against Czechoslovakia, Hitler stated, that his irrevocable decision was to defeat Czechoslovakia in the immediate future by military aggression.

H5148 - 0018

He divides this task into two parts; political and military, and then with his characteristic boundless cynicism, declares:

"The most favorable moment, both politically and militarily, would be if a lightning blow were to be delivered under the pretext of some incident, which will provoke Germany in the most abrupt manner."

The document bears Hitler's signature. This was the authentic plan of Hitler and his accomplices concerning Czechoslovakia, drawn up far in advance of the day, when Chvalkovsky requested that criminal "to address from time to time a few kind words to the Czech people."

Even, if in his public utterances Hitler sometimes used what Chvalkovsky called "kind words", the actual relations were developing altogether along entirely different lines.

I would like, at this moment, to present to the Tribunal the "Notes to the Report" on Plan "Gruen" of 24.8.1938, the greater part of which has already been read into the record as document #388-PS. Here are two paragraphs:

"The execution of Plan "Gruen" will start with the creation of an inciden in Czechoslovakia, which will give Germany a pretext for a military interven tion.

It is of the greatest importance to fix the exact day and hour for staging the incident. This incident must be provoked under weather conditions favorable for our superior air force in carrying out the operation, and it should be timed in such a way, that the respective notification should reach us by midday of X - 1 day. This will enable us to follow it up immediately by issuing the order X, on the X - 1 day, at 1400.

The document was signed by Jodl. These are not mere words; this is a plan of hideous provocation; a plan which, as we already know, has been carried into effect.

The above document concludes as follows: "the purpose of these statements is to indicate how intensely the armed forces are interested in the incident, and to point out that they should be informed in good time as to the Fuehrer's intentions, insofar as the Abwehr department will be entrusted, in one way or another, with the organization of the incident".

H5148 - 0019

Document No. 388-PS has already been accepted by you, as evidence presented by the USA prosecution. I only wish to stress this fact: the murderers and the aggressors, were not only calmly engaged in working out plans for their crimes against other nations, but were also anxious to put them into effect under practical conditions most adventageous for themselves as far as this was possible. They need fine weather, and 24 hours of it for the final preparation. Moreover, they need an incident, provoked by themselves, which would justify their dirty crimes in the eyes of "at least a part of the world opinion.

This latter fact demonstrates clearly that Hitlerites themselves were perfectly aware of the criminality of their actions.

In passing, I wish to draw your attention to one point: OKW bears direct responsibility for the criminal character of these actions. They cannot plead - "we knew not, what we did". These agents - provocateurs and aggressors, wearing the uniform of the highest ranks of the German Army, were the first to qualify themselves as such.

And finally I have to tell the Tribunal that one of the ultimate aims of the fascist invasion of Czechoslovakia was to liquidate this historically formed Slavic State.

On page 36 of the official report of the Czechoslovak Government, we can read the following quotation from a statement made by Hitler in the summer of 1932 in the presence of Dare, Rauschning and other high fascist officials:

"Czecho-Moravian Basin will be colonized by German peasants. We shall transplant the Czechs to Siberia or the Volynian district. They must get out of Central Europe".

H5148 - 0020

This same statement by Hitler is quoted in the Czechoslovak report from Rauchning's book "Hitler speaks", page 46.

I consider it necessary to read into the record a passage from the Czechoslovakian report, which follows immediately the above quotation (page 36 of the Russian translation, the last paragraph at the end of the page):

"This criminal plan was approved by Karl Hermann Frank, Secretary of State to the Reichsprotektor in Prague from March 17th, 1939 and the Minister of State in Prague from 1943, and who was known to the world as the "butcher of Lidice."

Interrogated about this point by Colonel Echer, in Wiesbaden, on May 29th 1945, Frank declared:

"The plan for the evacuation of the Czech people to the East, as mentioned above and discussed in Party circles, concides roughly with the quoted passage".

The defendant Neurath was Reichsprotektor for Czechoslovakia and Moravia from March 17th 1939 to September 28th 1941. He did much to destroy Czechoslovakia as a state.

Appendix #1 to the report of the Czechoslovakian Government reads as follows:

"The Reichsprotektor was the highest of the Reich authorities, agencies and officials in the Protectorate". (page 10-d,Appendix #1)

The defendant Neurath must not escape responsibility for these crimes.

My colleagues of the Soviet Delegation will submit evidence to show to the Tribunal the upheaval in the life of the hardworking Czech people from the moment that the fascist aggressors began to carry out in practice their plan for the destruction of Czechoslovakia as a state.

H5148 - 0021

When we turn to the documents concerning the aggression against Poland, we find there many features common to the conspirators' crimes committed against Czechoslovakia. I have in mind the systematic violation of treaties and solemn declarations, false assurances, the creation of a paid fifth column organized on a military footing, and the suddenness of the treacherous lightning blow.

This can be proved by a whole series of documents.

An official report of the Polish government contains a detailed list of the treaties violated by the conspirators. Inasmuch as we are concerned with facts of common knowledge which were already commented upon in the opening statements of the Chief Prosecutors, I beg the Tribunal to take judicial notice of this part of the Polish report, namely of the two first articles of the Count: "Crimes against Peace".

I wish to quote 4 lines from article 3 of this count, which is especially concerned with the Polish-German declaration of the 26th January 1934.

"Both governments are convinced that the relations between their countries will in this manner develop fruitfully, and will lead to the establishment of a neighbourly relationship which will contribute to the well-being not only of both their countries, but of the other peoples of Europe as well."

The defendant Von NEURATH signed this declaration on behalf of Germany. (Last paragraph of page 3 of the Russian text).

Now, I deem it necessary to read an excerpt from a declaration made by the defendant GOERING, during his visit to Warsaw, on the 16th February 1937, which we find on page 4 of the Polish report. This declaration was made to the representatives of the Polish government.

H5148 - 0022

"On the German side, there is no desire whatever to deprive Poland of any part of her territory. Germany is completely reconciled to her present territorial status. Germany would not attack Poland and has no intention of seizing the Polish 'corridor'. We do not want the 'corridor'. I say that sincerely and categorically; we do not need the 'corridor'. Just as Germany trusts and believes that Poland has no intention of seizing Eastern Prussia and the remaining part of Silesia, so can Poland believe that Germany had no intention of depriving her of any of her rights and possessions."

I think that paragraph 6 of the Polish official report also deserves to be read in full:

6. "On November 5th 1937 the Polish and German Government issued identical declarations concerning the treatment of minorities. The declaration concludes with the following passage: /4th page of the Russian text /

"The above principles can in no way affect the duties of the minorities of complete loyalty to the state to which they belong. They have been inspired by a desire to secure for the minorities equitable conditions of life and harmonius collaboration with the nationals of the State in which they live - a state of affairs which will contribute to the progressive strengthening of the friendly and good-neighbourly relations between Poland and Germany."

On September 2nd, 1939, Polish anti-aircraft units brought down near Poznan a German aircraft. A secret order issued by the Wehrmacht was found on the pilots. It contained, among others, the following sentence: I quote: "The reservists of German race will attempt to avoid being mobilized in the Polish army and will join the German army." (page 8 of the Russian translation).

H5148 - 0023

Then follows the detailed enumeration of insignia by which all people "who assist the German Army" would be recognized."

The order states that they will be supplied / I quote one paragraph/: /the last paragraph on page 8 of the Russian text/

" 2/ with automatic weapons: type 14 and 34, and also, in certain cases - grenades of the Czech model".

It is quite obvious that the latter was done for the purpose of provocation. The order bore the signature of Major Reiss.

Inasmuch as this fact is ascertained in the manner provided for, by Article 21 of the Charter, I request you to accept the facts stated by me as evidence.

I wish to submit to the Tribunal one more excerpt from a document USSR 93. The passage I am about to quote is on page 7 c of the Russian text, paragraph 23, and is marked, for the sake of convenience, with red pencil:

"Evidence gathered by the Polish Army in the course of the campaign of September 1939 indicates the following:

a/ "As regards the divertionist activities in south-western Poland, those activities were organized beforehand and were only carried out by agents dropped by parachutes. German espionnage was organized by special emissaries who, feigning to be travelling teachers, trained spies and divertionists. Every year a number of young Germans would leave every German colony to proceed to the Reich. There they received special training, and upon their return to Poland, did penance. They contacted the local authorities and told them about the fascist cruelties and expressed their joy at having returned to their "dear homeland". But the same Germans remained in constant contact with their agents in Germany and supplied them with information either by mail or through the travelling teachers.

H5148 - 0024

b/ Besides the agents who were recruited among the young people and appointed to collaborate with the German section of the population, there also existed a group of leaders and instructors, consisting of officers who were supplied with passports and who came to Poland, long before the outbreak of hostilities."

Thanks to evidence discovered in the course of investigation, the Polish Government has ascertained that the main diversionist groups consisted of bodies of Hitler Youth known as the "Hitler Jugend".

The defendant Schirach was, as we know, the leader of this fascist organization.

In paragraph 21 of our document submitted as USSR Exhibit-93, we find information on this subject, which, deserves to be read into the record:

"Here are details relating to the organization of the system of diversionist activities:

a/ "The agents were recruited mainly from among the groups of young people known as "Hitler Jugend", and also among men and women, mainly of German nationality, who were recruited in Poland."

b/ "Special courses, lasting from a fortnight to 3 months, were organized for these agents on Reich territory."

c/ "The members of these courses were split up into two categories: the first consisted of individuals possessing a thorough knowledge of the Polish language who were entrusted with special missions to be carried out in the rear of the Polish Army. The second category consisted of individuals who were to mingle with the crowds of Poles fleeing from the war and air-raids."

d/ "Shortly before the war, the students went through an additional course of instruction in special camps where they were assigned to "districts for diversionist activity".

H5148 - 0025

And now I shall turn to the examination of documents, which demonstrate the falsehood and the hypocrisy of other declarations made by Hitlerite conspirators on international questions concerning Poland. With this purpose in mind, I shall quote paragraphs 7, 8 & 9 of the section, entitled "Crimes against Peace", our number USSR 93 (the last paragraph on page 4 and the top of page 5 of the Russian text):

7. On 5 November 1937 the Polish Ambassador was received by Hitler in the presence of the defendant von Neurath. On this occasion, Hitler declared:

"There will be no changes in the legal and political status of Danzig. The rights of the Polish population in Danzig shall be respected. The rights of Poland in Danzig shall not be violated."
Twice on this occasion, Hitler repeated with pathos: Danzig ist mit Polen verbunden (Danzig is joined to Poland)."

8. The first hints of the desired changes in the status of Danzig were made by the defendant Ribbentrop on 25 October 1938. He suggested that Poland should agree to the reunion of Danzig with the Reich, in exchange for an extension of the German-Polish pact for 25 more years, and a guarantee of the German-Polish boundaries. Poland was to keep the Danzig railroads and to retain privileges in return for her assent to the building of an exterritorial highway and a railroad through Pommerania. This proposal was rejected.

9. Later on, during his visit to Warsaw, the defendant Ribbentrop assured the Polish Government that there will be no "faits accomplis" on the territory of the Free City (25-27 January 1939)

H5148 - 0026

It is known that during the last months preceeding I September I939 concentrations of German mobilized forces were carried out, and border clashes had taken place. I think that when paragraph I7 of Document 388-PS, which is signed by Jodl, is read by me into the record, the cause of these clashes will become quite clear.

On I5 April I939, the late President of the United States of America, Franklin Delane Roosevelt, made an appeal to the world and to the leaders of Germany and Poland with the view to preventing further political complications in Europe.

On 28 April and 5 May I939, the Polish Government proposed to the government of Hitler-Germany, a practical solution for the problem of the free city of Danzig.

On 23 August I939 the King of Belgium addressed to the world a radio appeal for peace.

On 24 August I939, the President of the United States of America, made a second appeal to the leaders of the Reich and Poland.

The Polish Ambassador in Berlin, acting upon the advice of the British Ambassador in Warsaw, had a conference with Ribbentrop on 3I August.

I would like to quote two paragraphs, I8 and I9, of Document USSR - 93, page 6, which are marked with red pencil in the Russian original: "I8. The German note stating the conditions for the settlement of the conflict with Poland was broadcast over German radio on 3I August I939, at 9 p.m. However, this note was not handed to the Polish Ambassador until the evening of I September I939. This was a few hours after German Armed Forces, both from the air and the land, had made an attack on Polish territory, which was launched in the early hours of I September I939.

I9. In this way, Germany attacked Poland in violation of her international assurance, without

H5148 - 0027

a previous declaration of war and at a moment when all her actions convinced the Polish Government that further nogetiations between the two countries were pending with the view to a peaceful settlement of their dispute."

Today I have at my dispesal the original document concerning the Danzig question, found by the Red Army in the archives of the German Ministry for Foreign Affairs, I present it to the Tribunal under # USSR-185.

On the first page you will see a telegram form, which proves that on 1 September 1939, at 5 a.m. a telegram was handed in at the telegraph office in Danzig; this telegram registered as # 0166, consisted of 202 words and was addressed to the Fuehrer and Reich-Chancellor in Berlin.

On the second page you will see the text of this telegram of 202 words, which bears the seal of the Gauleiter of the Nazi Party in Danzig.

Allow me to read to you these 202 words which now form a part of the history of the fascist conspirators' Crimes against Peace:

Telegram to Fuehrer:

Mein Fuehrer

I have just signed, and by this act have put into force the following organic law providing for the reunion of Danzig with the German Reich.

The organic law of the Free City of Danzig of the 1 September 1939, for the reunion of Danzig with the German Reich.

For the purpose of relieving the dire needs of the people and the state of the Free City of Danzig, I promulgate the following organic law:

H5148 - 0028

Article I.

The Constitution of the Free City of Danzig, is hereby abbrogated forthwith.

Article II.

Legislative and executive power will, in the future, be exercised exclusively by the Chief of State.

Article III.

The Free City of Danzig, together with its territory and population, immediately becomes an integral part of the German Reich.

Article IV.

Until the definite decision to introduce German state law is made by the Fuehrer, all the laws, the Constitution excepted, in force at the moment of the promulgation of the present organic law, remain in force.

Danzig, 1 September 1939

Signed: Albert FORSTER, Gauleiter

I beg you, my Fuehrer, on behalf of Danzig and of its population, to approve the present "Organic Law" and to confirm by Reich Statute the reunion with the German Reich.

Danzig enthusiastically extends to you, my Fuehrer, the feeling of endless gratitude and eternal devotion,

Heil to my Fuehrer

Albert FORSTER, Gauleiter

H5148 - 0029

And now that the documents which establish the actual line of conduct of the fascist conspirators with regard to Poland, have been submitted to the Tribunal, it seems to me opportune to refer, be it only summarily, to excerpts from the plan "Weiss" as well as from the speeches, and pronouncements by Hitler and Ribbentrop typical of their ideas, after which I will offer in evidence a new document, which is Exhibit USSR - 172. This document represents the secret notes by Bormann concerning a conversation on Poland, which took place in Hitler's appartment on 2 October 1940.

On 30 January, 1939, Hitler in his capacity of Chancellor of the Reich made a speech. It concerned a number of problems, including the relations with Poland.

There is no need to quote it in detail. At present, only two or three sentences can be of interest to us. I quote excerpts from exhibit TC - 70:

"... It seems to me, that one must show by a concrete example that disagreements, however indisputable, need not prevent the finding of a "Modus vivendi" which would serve usefully both the cause of peace and the wellfare of both nations."

I will now skip several paragraphs and will quote one of the final sentences:

"The German government is resolved and prepared to develop its political and economic relations with Poland in accordance with the present agreement, in such a way as to ensure that a period of useful cooperation may follow one of fruitless reticence. -
The Chancellor has expressed here his particular satisfaction with the clarification of relations between Danzig and Poland."

On the 26 September, 1938, Hitler again spoke of Poland in one of his usual speeches. I consider it necessary to quote a short excerpt from this speech (TC-29):

"The German-Polish relations presented that complicated problem which I had to encounter. There was a danger that the idea of a mutual implacable hostility would completely dominate the imagination of our own as well as of the Polish people. I wanted to avert it."

I do not consider it necessary to read the whole document, and I will, therefore omit a few sentences.

"Precisely a year later it was possible to come to an agreement which, in the first place, definitely eliminated the danger of a conflict for a period of ten years.

We are all convinced, that the agreement will lead to a lasting peace. We realize, that the matter concerns two peoples, which have to exist side by side, and of which neither can eliminate the other.

A state with a thirty three million population will always strive for an exit to the sea.

Because of that, a way to a mutual understanding had to be found. Now it is found, and will be more and more consolidated."

In absolute conformity with this official, and from beginning to end deceitful speech of Hitler's, the defendant Ribbentrop, speaking in Warsaw on the 25 January 1939, stated: (No. 2530-PS)

"It is an essential part of German Foreign policy that the friendly relations between Germany and Poland, on the basis of the existing treaty, be progressively strengthened and deepened in accordance with the firm will of the Fuehrer."

Omitting one paragraph of this document, which has already been read in Court, and submitted to the Tribunal, as the documentary evidence No. 2530-PS, I wish to repeat only one sentence of it:

"Thus Poland and Germany can look forward to the future with complete reliance on the solid basis of their mutual relations."

Need I remind the Tribunal, that in the already presented document L-79 which is a record of the conference of the 23 May 1939, at Hitler's new Reichs Chancery, among the many other openly aggressive declarations and statements of policy by Hitler, this man uttered the following sentence:

H5148 - 0030

H5148 - 0031

"Thus, there is no question of sparing Poland, and the decision remains: to attack Poland at the first opportunity. It is impossible to exect a repetition of the operation against Czechoslovakia. This time it will mean war".

In all fairness it must be stated that this war was a suprise for Poland only. The Fascist conspirators had for a long time carefully prepared for it. I now turn to Document C-120, a considerable part of which has already been read into the record. I would like to submit several excerpts from this document, concerning the conspiracy of Hitlerites directed against Poland, excerpts which have not yet been read into the record. I would like to draw your attention to certain sentences, which naturally did not attract the attention of the counsel who offered this document in evidence. These sentences are neither decisive nor of primary importance, but they are highly characteristic and necessary for a correct evaluation of the material I am about to present.

In the document stamped No. 120-C, for Commanding Officers only, top secret. Matter concerning Chief of Staff. Through an officer only. General Headquarters of the Armed Forces WFA 37/39 Chefsache (L-a), just preceding the text of the document, its subject is indicated, as follows:

"Subject: "Instructions for the Armed Forces for the years 1939-1940". "Directive concerning the uniform preparation of the Armed forces for the years 1939-1940 is hereby restated."

This sentence definitely indicates that already previously, i. e. before 3 April 1939, there existed directives on this very question.

H5148 – 0032

I.

In paragraph 3 of the cited document the following is said:

"Any suggestions by the three branches of the Armed Forces as well as the data for the calendar schedule will be submitted to the OKW on 1.5.1939."

Already by the 1 May 1937 Germany had a revised, modernized and detailed plan for an aggression against Poland. And Hitler while playing the part of one wronged by Poland, waited only for an opportune moment to declare that, he had no choice but to destroy the Polish State.

In one of the appendices to the quoted document - it is also listed as # 120-C, but was not read into the record - - there is one feature of great importance. The document is signed by Hitler and bears the date 11 April 1939. It was prepared in five originals. I offer in evidence a copy of the second original.

"Directive concerning the uniform preparation of the Armed Forces for the years 1939 - 1940.

I will expound at a later date the future objectives of the Armed Forces as well as the preparations for war which follow therefrom.

Until this directive becomes effective, the Armed Forces must be ready to accomplish the following tasks:

(1) Securing the boundaries of the German Reich and protection from a sudden air effensive (see Appendix I).

(2) Operation "Weiss" (Appendix 2).

(3) Occupation of Danzig (see Appendix 3).

Appendix 4 will regulate the question of authority in East Prussia, in case military operations should develop.

Hitler.

H5148 - 0033

I will now read into the record, the first paragraph of Appendix 3, entitled "The Occupation of Danzig":

"In the event of a favorable political situation, the question of a surprise occupation of the Free City of Danzig may arise independently of plan 'Weiss'."

I think that we can dispense with the reading of the rest of the document.

If it please the Tribunal, it is worthy of note, that according to German plans the occupation of Danzig was regarded either as an integral part of the aggression against Poland, or, in case of a different political situation, as an independent operation; but, in both cases, it was planned well in advance.

This set of documents listed as No. 0-120, includes a top-secret directive intended exclusively for commanding officers, and which was to be transmitted through officers only. It is important to note that the subject of this document, which I am about to present to the Tribunal, is indicated as follows: "Instructions concerning the uniform preparation for war of the Armed Forces for the years 1939-1940." Just as the previous ones, this document was not intended for a wide circle of readers. It was typed only in seven originals. The fascist conspirators were not very anxious to popularize their planned preparation for war.

And again in the appendix to Directive OKW 37/39, which I have already submitted to the Tribunal, and which is entitled: "Special Orders for 'operation Weiss'", there is a very significant sentence.

I will read into the record the last but one sub-paragraph of paragraph 2:

H5148 – 0034

"In case of a public announcement of the general mobilization ("Mobplan"), the mobilization will automatically extend to all civilian life, including war production. However, a public announcement of mobilization should not be counted on, should events be confined to "Plan Weiss."

It seems highly significant to me that the fascist conspirators, though fully conscious of the fact that war was to be initiated, had planned the execution of their criminal intent without announcing a mobilization.

And finally, I would like to point out / that in Keitel's order to the Armed Forces, #37/39, of 3 April 1939, issued in connection with "Operation Weiss", the following directives by Hitler are stated for information:

"I. The operational plans . . . must be worked out with the view that their execution will be possible at any time beginning 1 September 1939."

We know that the invasion of Poland was, in fact started on 1 September 1939, in short on the very first day on which the German Armed Forces had to be fully ready for action.

The Operational Order #1, under #25039 of 21 August 1939, issued to the Command of Naval Group "Ost" on board the Battleship "Schleswig-Holstein", stated as follows:

"I. Situation

a) Political: The Armed Forces must be defeated by means of a lightning thrust, to enable the creation in the East of a situation favorable for the defense of the country. The Free City of Danzig will be declared a Reich City."

H5148 - 0035

It is worth while to keep this sentence in mind when one speaks about the "free expression of will by the Danzig population", which allegedly aspired to become part of the Reich. It must not be forgotten that this free expression of will had been anticipated by the above operational order No. 1, to the very day.

To conclude, I consider it essential to read, almost in full, a rather long but exceptionally important document. I have in mind a note by the defendant Bormann of 2/10/1940 referring to a conversation about Poland. This conversation was held after a dinner which took place in Hitler's apartment.

"Secret

Berlin, 2/10 - 1940

Note

2.10.1940. After a dinner, at the Fuehrer's apartment there developed a conversation on the nature of the Government General, the treatment of the Poles and the incorporation, already approved by the Fuehrer, of the districts of Piotrokow and Tomshev into the Warta province.

The conversation began when the Reichsminister, Dr. Frank, informed the Fuehrer that the activities in the Government-General could be termed very successful. The Jews in Warsaw and other cities had been locked up in the ghetto; Cracow would very shortly be cleared of them".

I now skip a few paragraphs.

"The Fuehrer further emphasized that the Poles, in direct contrast to our German workmen, are born for hard labour; we must give all possibilities of advancement to our German workers; as to the Poles - there can be no question of improvement for them. On the contrary, it is necessary to keep the standard of life low in Poland and it must not be permitted to rise".

H5148 - 0036

The Government-General must under no conditions, be an isolated and a uniform economic region; the Government-General must not produce independently, even in part, any manufactured goods necessary for its subsistence; the Government-General should be used by us as a source of unskilled labour (in industries such as brick manufacturing, road construction, etc, etc.) One cannot change the nature of a Slav, the Fuehrer has emphasized. Whilst, as a rule, our German workers are by nature assiduous and diligent, the Poles are lazy and it is necessary to use compulsion to make them work.

However, there are no reasons to expect that the Government-General will become an independent economic region, as there are no mineral resources and, even should such be available, the Poles are not capable of utilizing them.

The Fuehrer has explained that the Reich needs large estates to provide food for our large cities; these large estates, as well as other establishments of rural economy, are in need of labor, and cheap labor to boot, for the cultivation of the soil and for harvesting .... As soon as the harvest time is over, the laborers can go back to Poland, because, should they be employed in rural economy the whole year round, they themselves will use up an important part of the produce. The best solution would thus be to import from Poland temporary laborers, for the duration of the sowing and harvesting times.

Our industrial districts are over-populated, while at the same time there is a lack of manpower in rural economy. That is where we can make use of the Polish laborers. For this reason, it would be quite right to have a surplus of manpower in the Government-General, so that every year the laborers needed by the Reich could be procured from there. It is indispensable to keep in mind that the Polish landlords must cease to exist; however cruel this may sound, wherever they are, they must be exterminated.

H5148 - 0037

There must of course be no sexual intercourse with Poles. It would consequently be a right procedure if Polish harvesters, both men & women, came together to the Reich. Whatever their mutual relationships were in their camps, would not be a matter of our concern - no zealous Protestant should poke his nose into these affairs.

The Fuehrer stressed once more that there should be one master only for the Poles - the German: two masters, side by side, cannot and must not exist; therefore, all representatives of the Polish Intelligentsia are to be exterminated. This sounds cruel, but such is the law of life.

The Government-General represents a Polish reserve of man-power - a large Polish labor camp. The Poles will also benefit from this, as we look after their health and see to it that they do not starve, etc., but they must never be raised to a higher level, for they will then become anarchists and communists. It will therefore be proper, if the Poles remain Catholics; Polish priests will receive food from us and will, for that reason, direct their little sheep along the path we favour. The priests will be paid by us and will in return preach what we wish them to preach. If any priest ' acts differently, we will make short work of him. The work of the priest is to keep the Poles quiet, stupied and dull-witted. This is entirely in our interests. Should the Poles rise to a higher level of development, they will cease to be that man-power of which we are in need. In other respects, it will

H5148 - 0038

suffice for a Pole to possess a small holding in the Government-General,- a large farm is not at all necessary; he will have to earn his living in Germany. It is just this cheap labor we need; every German and every German worker will benefit by this cheap labor. A strict German administration must exist in the Government-General to keep order among the Poles. These reserves mean for us the maintenance of agriculture, particularly of our large estates, and they are, besides, a source of supply of labor."

I see no need to read the record of the exchange of views between those present, and I will go on directly to Hitler's final statements:

"To sum up the Fuehrer stated once more:

I/ The lowest German workman and the lowest German peasant must always stand economically 10% above any Pole."

I omit the second paragraph and pass to the third:

3/ "I do not wish, " the Fuehrer stressed, - "that a German workman should, as a rule, work more than 8 hours, when we have normal conditions again; if a Pole, however, works 14 hours, he is still, in spite of that, to earn less than a German workman.

4. The ideal picture is this: a Pole must possess a small holding in the Government-General which will, to a certain extent, provide him and his family with food. The money required by him for clothes, supplementary food, etc., he must earn in Germany. The Government-General must become a center for supplying seasonal unskilled labor, particularly agricultural laborers. The subsistence of these workmen will be fully guaranteed, because they will always be made use of for cheap labor."

H5148 - 0039

This document deals with the question of Hitler's attitude towards Poland and the Polish people with such exhaustive clarity that it requires no comment.

I wish only to draw your Honours' attention to three points:

Firstly, Hitler definitely states and develops in detail the idea that, in the "new" fascist order in Europe, the Polish people and Polish State must be only a Polish labor camp for Hitlerite Germany.

Secondly, Hitler believes that the Poles will benefit from such a state of affairs, because the fascist conspirators intend to care for the health and adequate nourishment of the Poles turned into slaves.

I beg your Honours to consider the fact that by "adequate nourishment", Hitler understands a state of affairs according to which, every Pole should be maintained at an economic leval, which would be considerably below that of the most wreched German.

By "care" he means, that the standard of living in Poland should be low, and that it should not improve, so that no Pole be engaged otherwise than in heavy unskilled labor 14 hours a day. Finally, Hitler sets the task of the extermination of the entire intelligentia, stating impudently that there should exist only one master for the Poles - the Germans.

In the course of further presentation of documents to the Tribunal, we will prove that Hitler and his followers, in the persons of the participants of the fascist conspiracy, strove to exterminate the Polish people and to reduce the standard of living of the Poles to the most pitiable and beggarly level. In their opinion their very existence depended solely on the fact that it assured cheap man-power for the fascist "masters".

H5148 - 0040

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H5148 - 0041

The Tribunal has at its disposal diaries by defendant Frank.

In the volume marked "Dairy 1943, V, on p.p. 1070 - 1072 we find an important entry; in the Russian translation it is to be found on p. 5 of the additions to the "Excerpts from Frank's Diaries," and is marked in pencil.

"Cracow, 23-10-1943.

The Governer-General delivered an address atthe Administrative Academy on the principle of leadership in government. From the point of view of State law and of the law of nations, the Government-General, as an appendage to Greater Germany, constitutes a part of the territory over which the power of Greater Germany in Europe extends. The Sovereignty over this territory belongs to the Fuehrer of Greater Germany and on his behalf it is exercised by the Governor-General who, as the deputy of the Fuehrer, possesses all his powers."

I would like to call the attention of Your Honors to two more documents of a strictly official nature.

In the Reichsgesetzblatt (R.G.B.) for 1939, page 2077, is published the "Fuehrer"s and Reich Chancellor's decree on the administration of the occupied Polish territory", dated 12.10.1939.

I shall read paragraph 2 of this decree:

Paragraph 2

1. I appoint Reich Minister Dr. Frank as Governor-General of the occupied Polish territories.

2. I appoint Reich Minister Dr. Seyss - Inquart as deputy Governor-General.

H5148 - 0042

In the same Reichsgesetzblatt but only for 1940, Part I, page 399, there is published a "Decree regarding the power to grant pardons in the occupied Polish territories". It reads:

"In the occupied Polish TerritoriesI delegate to the Governor-General of Occupied Polish Territories the power to confirm death sentences as well as pardons or to reject applications for pardons, with the right to further delegate his powers

In Poland occupied by the Hitlerites the power over life and death, the perogative of a sovereign was given to the defendant Frank.

It is not superfluous to call to mind that it was the very same Hitler who had said that he would show, by the concrete example of the relationship between the Polish and the German peoples, that a form of intercourse had been found "which would serve usefully both the cause of peace and the well-fare of both nations." .

Much has been said above of the kind of "example" which was intended and what the "well-being" was which was referred to.

The 6th April 1941 was marked by a new crime planned and carefully prepared beforehand on the part of the fascist conspirators.

Without any warning or declaration of war, they attacked Yugoslavia.

The attack on Yugoslavia was a flagrant breach of Article 3 of the Hague Convention of 18.10.1907 and of the Kellogg-Briand Pact of 27.8.1928.

H5148 - 0043

The Delegations of Great Britain and of the U.S.A. have already submitted to the Tribunal a considerable number of documents referring to the subject of the treacherous attack on Yugoslavia. I have only to submit a few new proofs and to establish the correlation between these new documents and those already presented to the court.

The Official German documents enable us to reconstitute events with exceptional vividness. German pedantry turns against the authors of the criminal plan.

On 27 March 1941, Adolf Hitler held a special conference regarding the situation in Yugoslavia. On the same day he signed a top secret directive 025, "for higher commanders only". Both documents, filed under No. 1746-PS, are amongst the evidence already accepted by the Tribunal.

The Chief Prosecutor for the USSR, has already quoted in full paragraph 2 of directive 025. The first paragraph of this document was also read on 7 December 1945. I wish to add a few more lines.

It is stated in paragraph 3:

"....I order the following:

a) as soon as the concentration of sufficient forces is concluded and meteorological conditions permit, all Yugoslav surface installations and Belgrade must be annihilated by continuous day and night air attacks."

b) If possible, simultaneously, but under no circumstances before, operation "Marita" must be started, with the limited objective at first, to seize the harbor of Salonica and the Dios mountains."

H5148 - 0044

I believe that three points should be stressed here:

1) The desire to carry out the total destruction of the capital of a state.

2) The correlation between the aggression against Yugoslavia and the aggression against another country - Greece; the aggression against Greece being known under the code-name, operation "Marita".

3) The necessity to complete the concentration of German forces as well as meteorological conditions were the factors that determined the time-limits for the attack.

As in all previous cases of criminal fascist aggression, the same features recur in this case too: namely the criminal intentions of a predatory invader, treachery, and cold calculation.

Preparations for the criminal act that was just one item in a long list, were made a long time in advance and followed the usual Hitler routine which has already been disclosed by the prosecutors: fifth column activities, clever manipulation with slogans playing up the defense of the German minority, deceitful practice of declaring his love for peace, combined with unceasing preparations for invasion.

On 27 March 1941, on the very day when directive No. 025 was signed by Hitler, the latter conducted personally in Berlin a conference on the situation in Yugoslavia. The minutes of this conference were presented by the American prosecution on 4 December 1945 as document 1746-PS.

Other documents relating to this conference also have been registered under the same number. At this conference, the objectives were determined with absolute precision and a plan of action was presented.

H5148 - 0045

Hitler declared:

"Not to take into consideration any possible declarations of its loyalty by the new Government, but to carry out all preparations for destruction of Yugoslav armed forces and of Yugoslavia itself as a national unit. It is especially important from the political point of view that the blow against Yugoslavia should be carried out with utmost violence and that its military destruction should be effected with lightning speed."

And a little further:

"No diplomatic inquiries will be made and no ultimatum presented.... The attack will start as soon as necessary supplies and formations (means and troops) are ready."

Thus Hitler was not at all interested in the actual attitude of one or another Yugoslav Government towards Germany, but in the practical destruction of Yugoslavia as a state, and he strove to make this destruction cruel and quick as lightning.

The operational staff of the OKW meticulously followed Hitler's directive, regarding the cruel and lightning-like destruction of Yugoslavia and speedily worked out a detailed plan for coordinated operations of German and Italian armies. It was issued as an official operational order dated 28 March 1941. I believe it necessary to read once again three lines of this document which has already been submitted to the Tribunal, under the same No. 1746-PS.

I quote paragraph I of this document:

H5148 – 0046

"The task of the Germans will consists in attacking Yugoslavia with the greatest possible concentration of forces smashing its army and destroying it as a state."

I cannot but remind the Tribunal of the phrases used by Hitler and the other fascist conspirators. Said he:

"There can be no question of sparing Poland".

He demanded that:

"Yugoslavia be virtually eliminated as a state ruthlessly and with lightning speed."

Mercilessness, ruthlessness, extermination of peoples and states - such were the style and the import of the actions of the fascist conspirators.

The aggression against Czechoslovakia, the attack on Poland, the desire to destroy Yugoslavia - all these were links in the same chain. But the chain does not end with these links.

If it please the Tribunal, the task of the next representative of the USSR prosecution will be to show that the basic aim of these criminals, the main link which was in the center of all of Hitler's thoughts was the attack on the USSR.

The document exposing the crimes against Yugoslavia will prove that, in attacking that country, the fascist conspirators were strictly following their customary methods. Even in detail they repeated their earlier crimes perpetrated against Poland, Austria and Czechoslovakia. If it happened that we did not know who actually organized the attack on Yugoslavia, the very character of the facts, the sequence of events, the manner in which the crimes were committed, would unmistakably point to the culprits.

Feb. 11

I turn to document USSR-36, under which number I offer in evidence the official report of the Yugoslav government.

The first section, entitled "The planned preparation of the conspiracy for the enslavement and the destruction of Yugoslavia", contains a collection of valuable information. Paragraph 1 on page 3 of the Russian text (the 3rd paragraph from the top), reads as follows:

"The Government of the Third Reich and the Hitlerite party secretly organized the German minority. The Germans who had been settled in Yogoslavia by the Austrian emperors over a century ago, enjoyed full rights, as brothers, and a cultural autonomy. They had their own schools, as well as representatives in parliaments and in the local Government. They numbered 1½ million (i.e. represented about 3% of the population).

From 1920 onwards they had their mass organization - the Swabian-German cultural union (called the "cultural Union" for short). Out of this very organization and by means of it, as well as out of all the Germans in Yugoslavia, the fascist / party created a political and military organ for the destruction of the country.

.....

In Yugoslavia, fascist / "Gaue" were secretly formed and "Gauleiters" had been appointed. Under the guise of various physical training and sport associations, were organized Hitlerite units half a million strong. Numerous "tourists", "commercial travellers" and "relatives" came from the Reich - in reality fascist / instructors and organizers".

I skip a number of details which can be disregarded, and pass to the second paragraph of the same section on page 4, where the manner is described in which the fifth column was further strengthened. I now will read into the record beginning with the second sub-paragraph of paragraph 2:

H5148 - 0047

"...The Hitlerites drew into their ambit all the separatist and chauvinistic elements, as, for instance, Pavelich's "Ustashi", the "Sbor", a movement headed by Lyotich, the VMRO (the macedonian Fascist movement), headed by Vancha Mikhailovich, and terrorist organizations with headquarters in Berlin. On the other hand, acting through their agents, Prince Paul, Stoyadinovitch, Cvetcovich and Cincar-Marcovich, they attracted the pan-Serbian centralists -- and turned them into a terrorist group which, from the vantage points of governmental authority, was "peacefully" to deliver Yugoslavia into slavery by adhering to the Tripartite pact.".

Further the report emphasizes the fact that, while organizing numerous branches of the fifth column, the Hitlerites continually gave new perfidious assurances about their ostensibly friendly intentions with regard to Yugoslavia. This is discussed in paragraph 3 on page 5 of the Russian text:

"3. While both the Hitlerite government and the party were so thoroughly and with such versatility carrying out their conspiracy, Hitler used every opportunity to declare to the whole world, on behalf of the government, the party, and the whole of Germany, that Yugoslavia could count on them as devoted friends."

On 17 January 1938, i.e. some weeks before the occupation of Austria, Hitler had a conference with the then Prime Minister of Yugoslavia. The defendants Goering and von Neurath were present at that conference.

H5148 - 0048

On 4 December 1945, a printed collection of German documents concerning the conflict with Yugoslavia and Greece was offered in evidence. In the listing of documents it is referred to as TC-92.

On page 68, as document No. 28 of that collection, we have a transcript of the conversations which took place during the conference of 17 January 1938. There is no need to read into the record the entire document. I will limit myself to the following three utterances made by Hitler on that occasion:

"As regards Yugoslavia, Germany is interested in the existence of a strong Yugoslavia."

And somewhat later in the course of the same conversation:

"Whatever may happen there, Yugoslavia's present boundary will remain as inviolable as the Brenner is today."

Still further Hitler professed to know

"that the German population of Yugoslavia was loyal to the Yugoslav Government."

On 30th January 1939 - some weeks before the occupation of the Czechoslovak republic - Hitler made the following declaration about Yugoslavia in his speech before the Reichstag:

"A state which since the Great War has more and more attracted the attention of our people is Yugoslavia.

The deep respect which the German soldier once felt for that courageous people has since become ever stronger and developed into sincere friendship".

The fascist conspirators considered it useful to include this speech as document No. 32 on page 71 of the collection from which I just have quoted.

H5148 - 0049

H5148 - 0050

On the 1st of June 1939, i.e., before the fascist attack on Poland, Prince Paul of Yugoslavia, whom the official report of the Yugoslav government calls a Hitlerite agent, paid a visit to Hitler. On this occasion, Hitler stated in Berlin:

"Germany's friendship with the Yugoslav nation is not spontaneous. It was deepened and strengthened in the tragic confusion of the World War."

Then after having made a few more statements, which are of no interest to the Tribunal, he continued:

"I am all the more confident that now when, as a result of the historic events, we have become neighbors with common frontiers established forever, the friendly relations between Germany and Yugoslavia, trustfull and steadfast, will not only secure lasting peace between both our peoples, but, moreover, will serve as a pacifying element for our nervous continent."

I quoted from this book No. TC 92, GB 114.

In his next regular speech after the defeat of Poland, before the Reichstag, on 6 October Hitler again assured Yugoslavia of his love of peace and of his friendly attitude in following words:

"After the annexation had taken place, I assured Yugoslavia in the same manner that the frontier with this country shall be regarded as inviolable by Germany from this moment on, and that we want to live in peace and friendship with her."

I am now going to read a few paragraphs from the 2nd article of the first section of the report of the Yugoslav State Commission for the investigation of the crimes perpetrated by the aggressors.

H5148 - 0051

The excerpts that I shall read begin with paragraph 3 on page 6 of the Russian text and are marked for your convenience with a red line:

"Thus Hitler regularly gave assurances about friendly relations with Yugoslavia and about the inviolability of her boundaries, while at the same time his band of conspirators and enslavers were already tightening the ring of war around Yugoslavia. When Yugoslavia was completely surrounded by Hitler's armored divisions, and when the government of the Centralis 5th Column of Prince Paul, Cvetcovich and Machek was ready to join the Tripartite Pact on the 25th March 1941, i.e. 10 days before the attack on Yugoslavia, the defendant Ribbentrop stated as follows:

"Germany herself - and I solemnly state this - has neither territorial nor political interests in that region...."

I shall hand to the Tribunal a certified extract from document No. 72 of the above mentioned German book.

An official note from the Reich Government of the same date runs:

"Mr. Prime Minister! On behalf/on the direction of the German Government I have the honour to report to your Excellency as follows:

In connection with today's adherence of Yugoslavia to the Tripartite Pact, the German Government affirms its resolution to respect at all times the sovereignty and territorial integrity of Yugoslavia.....

Signed Joachim von Ribbentrop

(See document 2450-PS. GB 123).

H5148 – 0052

The culminating point in the execution of the breach of faith cunningly prepared by fascists is the following statement made by Hitler on the 6th April 1941, i.e. at the moment when the wily and treacherous attack on Yugoslavia had already begun:

"The German people feel no hatred towards the Serbian people. Above all, the German people see no reason to start a war against Creats and Slovens; they want nothing from them."

I submit to the Tribunal certified excerpts from the documents of the German book already quoted on pages 1-4.

At the time he was speaking in this manner, the occupation, annexation and dismemberment of the Yugoslav state was taking place, and before long there began the bombing of undefended cities and other settlements, forcible evictions, deportations to camps, punitive expeditions and hundreds of other acts that were a part of the planned extermination of the peoples of Yugoslavia, which brought about the death of 1,650,000 Yugoslav men, women and children!

On the question of the preparation for the attack on Yugoslavia and the personalitities who directly supervised the execution of this crime, we present two very valuable testimonies by witnesses.

The first is the testimony of the German General, Leer. Before and at the time of the aggression against Yugoslavia, he was in command of the 4th Air Army. It was his air groups which carried out the air-raids on Belgrade. He is undoubtedly a man well acquainted with the course of operations and its leaders.

H5148 – 0053

On the 24 May, General Leer was taken prisoner by the Yugoslav forces. During interrogations to which he was subjected between 24 May and 6 June 1945, he stated:

"...I and my staff went on 26 March to Sofia as the campaign against Greece was about to begin.

On the following day, the 27 March 1941, the coup d'etat took place in Yugoslavia. I was called to Berlin unexpectedly, where I received orders from Reichsmarshal Goering, to prepare for air operations against Yugoslavia... After this, preparations against Yugoslavia were begun. At my first meeting with Goering I was not told the date of the commencement of war against Yugoslavia, but soon after at Vienna, I received a written order, in which the commencement of the operations was fixed for 6 April."

Without reading the rest of the record, I am submitting to the Tribunal a certified copy thereof, which is our number USSR-253, and I am going to read excerpts from the record of the interrogation of the former Field-Marshal of the German Army, Friedrich Paulus.

Friedrich Paulus was interrogated on 12 January 1946 by the Chief Prosecutor for the USSR. I am now going to read part of his testimony.

My colleagues in the Soviet Delegation will probably return to this document in connection with further issues. I shall only quote what refers to the preparations for the attack on Yugoslavia:

"It was clear to both German and Hungarian officers that these military preparations must have been based on the preparation of military collaboration between Germany and Hungary."

It was clear to the Hungarians that Germany's assistance was to prepare the Hungarian army intentionally in good time for future combined military operations, thus incorporating an ally in its ranks. With the attack on Yugoslavia which followed this, there was no need for special explanations as to the object of these military preparations.

H5148 – 0054

"It was clear that armed forces were being made ready for war with the USSR., as the attack on Yugoslavia was part of the operational plan for the attack on the USSR."

"With the defeat of Yugoslavia, the right flank which was to be formed on the commencement of military operations against Russia, was secured."

I will leave out one paragraph, which deals more with another subject, and continue to quote:

"The preparation of the combined German-Hungarian attack on Yugoslavia was entrusted to me. "

"On the 27th or 28th March 1941 I was called before Hitler at the Reich Chancellery, where, besides Hitler, there were present Keitel, Jodl, Halder and Brauchitsch."

"Halder met me with the following words:

'The Fuehrer has decided to attack Yugoslavia in order to eliminate the threat to the flank during the offensive against Greece and to seize the main Belgrade-Nish railway line which runs in a sautherly direction; but the main objective of the attack on Yugoslavia is to have our right flank secure when later on the "Barbarossa" plan will be carried out.'

'Your task is to go to Vienna immediately in my special train, and to transmit the orders and explain the situation to Field Marshal List (12th Army Group), General von Kleist (armoured group) and Colonel von Witzleben (chief of staff of the 2nd Army) who have been called there.'

'From Vienna, you are to go to Budapest and there to co-ordinate with the Hungarian General Staff the strategic deployment of the German forces on Hungarian territory and the participation of the - Hungarian forces in the invasion of Yugoslavia.'

H5148 – 0055

The participation of Hitlerite generals of the highest rank in the treacherous attack on Yugoslavia can in no way come within the scope of the execution of purely military tasks.

I will read into the record a further document, number 1195-PS.

On the 9. January 1946, four lines were read from the second section of this document.

The time has now come to read it in full.

Supreme Command of the Armed Forces Operational Staff/ Section L. (IV/Qu)
No. 00630/41 Top Secret, Commanders only.

Fuehrer's Hqs, 12.4.1941.

Reference: OKW/L (IV/Qu) Nr. 4434/41 Top Secret Commanders only, of 3 April 1941.

Provisional Directives for the Partition of Yugoslavia.

The Fuehrer has issued the following directives for the partition of Yugoslavia:

1) Former territory of Styria and Carinthia.

The territory of the former Styria enlarged towards the South by a strip of about 90 Kilometers breadth and 10-15 Kilometers depth will go to Gau Styria.

The Northern part of Carinthia, with a border line which runs south only as far as the river Sava but north of Ljubljana according to the attached OKH map, belongs to Carinthia.

The territory occupied by the High Command of the Army will be handed over by it to the Gauleiters concerned and by the district administration as far as the pacification of the country permits.

The handing over of the territory occupied by the Italians will be prepared by letter from the Fuehrer to the Duce and carried out under direct orders from the Foreign Office. Until that time no measures whatever are to be taken from the German end. (Telegram OKH-Gen Qu/Abt.Kr. Verw. A. Ob. Kdo. 2 1 No. 801/41 g. Kdos, is hereby dealt with as well).

H5148 - 0056

2.) The territory beyond the river Mur (Uebermur-Gebiet):

The territory beyond the river Mur borders closely upon Hungary conforming with the historic boundary. A later transfer of the German population in the north-eastern part of this territory must be taken into consideration. The handing over of this territory to the Hungarians will be regulated by the High Command of the Army.

3.) Banat:

The territory from the point where the river Drava cuts the Hungarian boundary to the entry of the river Tisa into the Danube, will be at first under German protection, as will the territory south of the Danube and east of the general line: mouth of the river Morava - Danube - Pozarevac - Petrovac - Boljavac - Knjazavec - Kalina. This territory includes the Bor copper mines and the adjoining coal district in the south-east. The above line is considered as the basis and provisional demarcation line. At first German Military Government under the High Command of the Army is to be established.

4.) Southern Serbia.

The territory inhabited by Bulgarian Macedonians goes to Bulgaria in conformity with the ethnographical boundary.

Preliminary delimitation of the frontier from the military view point will be carried out by the High Command of the Army which will prepare the handing over to Bulgaria.

5.) Old Serbia.

The territory of Old Serbia will be placed under German military administration under the High Command of the Army.

6.) Croatia:

Croatia becomes an independent state within its ethnographical boundaries. There will be no interference on the part of Germany with its internal policy.

H5148 - 0057

7) Remaining territories, including Bosnia and Montenegro:

The political organisation of these territories will be left to Italy. Here also the restoration of an independent state of Montenegro can be considered.

II. The drawing up of boundaries.

1) Where the drawing up of boundaries has not been laid down in part I above it will be carried out through the Supreme Command of the Armed Forces in agreement with the Foreign Office, the plenipotentiary for the Four Year Plan and the Reich-Minister of the Interior.

The Operational Staff of the Armed Forces (L IV/Qu) is the executive organ for the Supreme Command of the Armed Forces.

2) The High Command of the army will forward as soon as possible to the Supreme Command of the Armed Forces (W.F.St.) its military requirements relative to the drawing up of boundaries outside the territory of the protectorate south of the Danube where this has not been already laid down by the Fuehrer.

3) The War Production Board of the OKW will forward as soon as possible to the Operational Staff (Section L) its wishes regarding the boundaries of the territory of the protectorate south of the Danube (Part.I. para 3).

4) As far as the Italians are concerned, tactical boundaries between the armies are valid for the present.

The Chief of the OKW

/s/ Keitel

H5148 - 0058

This document, signed by the defendant Keitel smashes to pieces the mendacious version, according to which the OKW had nothing to do with the political aspects of the fascist plan or conspiracy.

The German generals as a body were not merely an obedient tool in Hitler's hands.

The OKW, the Ministry of Foreign Affairs and the Gestapo were interwoven into one entity. This is borne out also by the following document.

General Neditch- ex-Prime Minister of the quisling Yugoslav government - in his depositions gives some interesting information relating to the this question.

Before quoting a few excerpts from his deposition, I must say a few words concerning four Germans, whom Neditch mentions by name. He speaks of Kraus, Turner, Kiesel and Kronholz.

Dr. Kraus was chief of the Gestapo "South East", which had its central office in Belgrade. Dr. Turner was chief of staff of the civil administration department of the German military command in Serbia. Dr. Kiesel was Dr. Turner's deputy. Kronholz did not hold any official post. He had already lived in Yugoslavia before the war, and was a director of the German transport business "Schenker Ltd" (Schenker Aktiengesellschaft). He subsequently turned out to be a important German intelligence agent. This information is certified by the Yugoslav Extraordinary Commission for the investigation of German atrocities. Having given this information, I shall now quote a short excerpt from the evidence of the Serbian quisling - general Neditch; I present this to you under Number USSR.-288.

H5148 – 0059

"I came to know Krohholz during the occupation period, before I became Prime minister. As far as I can remember, he was brought to me by the Chief of the Gestapo, Dr. Kraus...Then Kronholz insisted that I should accept the proposed post...Turner received me in the presence of Dr. Kiesel and said that he authorized me, through General Dankelmann, the German Military commander in Serbia, to form an authoritarian government...

Almost simultaneously with the creation of my government, the Germans established contact with a group of tchetniks under the command of Petchanatz, who had until then been hiding in the forests. This contact was also established through the Chief of the Gestapo, Dr. Kraus. Shortly after this Petchanatz arrived in Belgrade, called to see me and offered his services. That is how my government came to form its first armed units."

A little further, Neditch continued:

"As soon as the formation of my government had been proclaimed in the beginning of September 1941, a delegation called on me with authority from Draje Mikhailovitch, to start negotiations."

Neditch enumerates the terms, which are of no interest to us, and then said:

"I, for my part, accepted all these terms and offers. Draje received money and the Germans permitted it."

Still another part of this record seems of importance to me. It concerns Neditch's visit to Hitler and Ribbentrop.

Neditch stated:

"I noticed that, at the meeting with Ribbentrop, a demand was made that I should place all the spiritual and material resources of Serbia at the disposal of the German Reich for the prosecution of the war."

H5148 - 0060

Speaking of his meeting with Hitler Neditch stated:

"He yelled at me, emphasizing that the order concerning 100 for one was too lenient, that it should have been increased to 1000 for one. He added also that he was prepared to exterminate the entire population, if the Serbians continued to act like rebels."

The head of fascist Germany wanted to handle the Slav countries as if they were his own personal property. In this he received the wholehearted assistance of generals and diplomats, industrialists and intelligence officers.

All aggressive action was prepared and carried out with their direct participation.

I repeat: the German generals as a body were not merely an obedient tool in Hitler's hands. The defendants Keitel, Jodl and Goering personally participated in the planning, preparation, and perpetration of crimes against peoples and states.

Document 1195-PS added yet another proof of this fact. The aforenamed defendants together with Neurath and Frick, Schirach and Frank, Seyss-Inquart and Ribbentrop, bear direct responsibility for the gravest crimes, which I denouncedbefore the Tribunal.

"National-Socialism cannot be separated from the idea of war" - this is acknowledged by the Hitlerites themselves.

In other words, Hitlerism and aggressive war are one and the same thing.

And if it is not always the military leaders alone who plan wars, it is always they who conduct them.

The full weight of responsibility for aggression, for aggressive war, for the death of millions of people, for atrocities, for the destruction of cultural treasures and material wealth, must be borne by all the major war criminals who are sitting in the dock.

H5148 – 0061

H-5148

Doc Books 1 & 2